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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,264	10/22/2003	Jesse D. Crum	WK/2003-10/US	5445
<div>7590 12/20/2007</div> <div>WARD KRAFT, INC. P.O. BOX 938 FORT SCOTT, KS 66701</div> <div>EXAMINER BATTULA, PRADEEP CHOUDARY</div> <div>ART UNIT 3722 PAPER NUMBER</div> <div>MAIL DATE 12/20/2007 DELIVERY MODE PAPER</div>				

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/691,264

Applicant(s)

CRUM, JESSE D.

Examiner

Pradeep C. Battula

Art Unit

3722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is in reply to the response filed on October 9, 2007

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lalande in view of Michlin (U.S. 6,403,184), Wardwell (U.S. 4,296,179), Helmich (U.S. 2004/0115528), Good, and Tracy (U.S. 5,770,289).

Lalande discloses a method of making a sheet of dry removable die cut hang tags 13 (Column 2, Lines 28 – 30, 41 – 49; Figure 1, Item 13) comprising providing a laminate consisting of a sheet of tag material 16 and a carrier sheet 11 with the sheets being bonded to each other with adhesive 14 (Column 2, Lines 15 – 28) and wherein when the tags are removed there is no adhesive on the tag (Column 2, Lines 23 - 24, 41 - 49).

Lalande does not disclose a carrier sheet of substantially UV-transparent material bonded to the laminate with UV curable adhesive and creating a frangible bond and die-cutting said sheet of tag material to form tags having a major portion and a minor portion fully contained within, but fully separated from, said major portion; and exposing said UV-curable adhesive to ultraviolet radiation through said carrier sheet, said ultraviolet radiation being of such a nature as to cause said adhesive to frangibly

adhere to said tag material sheet; whereby upon removing said major portions of said tags from said laminate, said major portion separates from said laminate free of adhesive but said minor portion remains adhered to said carrier sheet.

Michlin discloses of a laminated form with a front ply 11 and a back ply 12 which is laminated to front ply 11 (Column 3, Lines 35 – 38; Figure 1 & 2, Items 11, 12). Michlin further discloses a plurality of die cut labels 13 and 14 (Column 3, Lines 49 – 53; Figures 1 & 2, Items 13, 14) which are held by an adhesive 16 (Column 3, Lines 59 – 60; Figure 4, Item 16) wherein the adhesive can be UV curable (Column 6, Lines 17 – 21; This inherently requires the plies to be substantially UV-transparent) and wherein the labels can be used, re-used, and discarded (Column 4, Lines 3 – 9). Therefore it would have been obvious to a person having ordinary skill in the art to provide the labels of Lalande with a UV curable adhesive and plies allowing for the use of such adhesive as taught by Michlin because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

Lalande modified by Michlin does not disclose the frangible bond and die cutting said sheet of tag material to form a minor portion contained within the die cut tag that is fully separated from the tag and whereby upon removing said major portion of said tags from said laminate said major portion separates from said carrier sheet free of adhesive but said minor portion remains adhered to said carrier sheet.

Wardwell discloses of a laminate structure 12, 14 (Column 2, Lines 59 – 63; Figure 4, Items 12, 14) having a lacquer 20 along with an adhesive 22 (Column 2, Lines

63 – 68; Figures 3 & 4; Items 20, 22) wherein the lacquer helps form a frangible bond wherein the plies of the laminate may not be adhered to one another upon disconnection of the laminate structure along plies 12 and 14 (Column 1, Lines 6 – 13; Column 3, Lines 30 – 41). Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide the structure of Lalande modified by Michlin to provide a lacquer agent in the bonding portion in order to ensure a user that the tags of Lalande have not been previously used (Column 3, Lines 42 – 50).

Helmich discloses of a UV lacquer on a tap and after curing the adhesive material will not stick to lacquered areas (Paragraph 0057). Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide Lalande modified by Michlin and Wardwell with the UV curable lacquer in order to ensure the bonding agent and frangible bond Lalande modified by Michlin and Wardwell is formed properly.

Lalande modified by Michlin, Wardwell and Helmich does not disclose die cutting said sheet of tag material to form a minor portion contained within the die cut tag that is fully separated from the tag and whereby upon removing said major portion of said tags from said laminate said major portion separates from said carrier sheet free of adhesive but said minor portion remains adhered to said carrier sheet.

Good discloses each of said tags having a major portion and a minor portion 15, with said major portion 16 having a surface area greater than the surface area of said minor portion (Figure 1, Items 15, and 16) and wherein upon removal of said major

portion from said first layer, said minor portion does not remain adhered to said first layer but is meant to be removed from the first layer (Column 3, Lines 61 – 65).

Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide the tags of Lalande in Lalande modified by Michlin, Wardwell and Helmich with major and minor portions in order to allow for the tags to be hanged on a particular item.

Lalande modified by Michlin, Wardwell, Hemlich and Good does not disclose whereby upon removing said major portion of said minor portion remains adhered to said carrier sheet.

Tracy discloses of a die cut label sheet having major (1 – 3) and minor portions (4 – 6) for CD rom labels (Column 3, Lines 6 – 10; Figure 1, Items 1 – 6). Considering the portions are die cut they will remove from the sheet separately since there is no connection. Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to fully die cut the major and minor portion of Lalande modified by Michlin, Wardwell, Hemlich and Good from one another in order to allow for easy removal and application of the tag to a product.

In regards to Claim 6, as applied to Claim 21, Lalande discloses that the tag sheet and carrier sheet are different material and therefore possibly have different thickness. Also, Good discloses a thickness for the face stock 11 material (7 millimeters), which the tag 10 is made from, and the silicone coating (2.0 millimeters) release liner 17 (Column 4, Lines 54 – 64). Good further discloses that the assembly goes through a dryer 27 after having adhesive applied (Column 4, Lines 19 – 23).

Lalande modified by Michlin, Wardwell, Hemlich, Good, and Tracy disclose the claimed invention except for the second layer having a thickness of no more than about 7 millimeters. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the second layer/carrier sheet and other layers be of certain sizes, because it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955).

Response to Arguments

Applicant's arguments, see Remarks, filed August 31, 2007, with respect to the rejection(s) of claim(s) 21 and 6 under 35 USC 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Michlin (U.S. 6,403,184), Wardwell (U.S. 4,296,179), Helmich (U.S. 2004/0115528) and Tracy (U.S. 5,770,289).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pradeep C. Battula whose telephone number is 571-272-2142. The examiner can normally be reached on Mon. - Thurs. & alternating Fri. 7:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica S. Carter can be reached on 571-272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PCB
Patent Examiner
December 12, 2007


MONICA CARTER
SUPERVISORY PATENT EXAMINER